

Town of North Andover  
ZONING BOARD OF APPEALS

*Albert P. Manzi III, Esq. Chairman*  
*Ellen P. McIntyre, Vice-Chairman*  
*Richard J. Byers, Esq. Clerk*  
*D. Paul Koch Jr. Esq.*  
*Allan Cuscia*



Associate Member  
*Michael P. Liporto*  
*Deney Morganthal*  
*Doug Ludgin*  
Zoning Enforcement Officer  
*Gerald A. Brown*

*Approved*  
*May*  
*12, 15*

**DRAFT MINUTES**  
**Tuesday, April 14, 2015 at 7:30 PM**  
**Senior Center 120R Main Street, North Andover, Massachusetts**

**Members present:** Albert P. Manzi, Ellen McIntyre, Rick Byers, Allan Cuscia and D. Paul Koch Jr  
**Associate Member:** Doug Ludgin, Deney Morganthal and Michael Liporto

**Pledge of Allegiance**

McIntyre was the acting Chairman and called the regular meeting to order at 7:35

McIntyre opened up the meeting and stated that we are still waiting for 2 more Board Members to arrive (Manzi and Byers). But in the meantime we can go over some housekeeping items, until Chairman, Manzi arrives.

**Acceptance of Minutes March 10, 2015**

Koch made the motion to approve the Minutes

Cuscia second the motion.

Those voting in favor to approve the minutes were McIntyre, Koch, Cuscia, Morganthal and Ludgin

**Committee Reports**

**Merrimack Valley Planning Commission and the Housing Partnership Committee**

McIntyre stated that she has nothing new to report, since they have not met regarding the Housing Partnership Committee.

McIntyre stated that since Byers is running late tonight, they will ask Byers to give the MVPC Report sometime during tonight's meeting after he arrives.

McIntyre moved onto Miscellaneous Correspondences

**Miscellaneous Correspondence**

Two letters were received from CHAPA, one was dated March 10, 2015, and signed by Senior Program Manager, Elizabeth Palma-Diaz, regarding a current owner's intent to sell off his or her affordable unit. The other letter submitted from CHAPA dated March 25, 2015 was to provide the Zoning Board of Appeals with an update on the services that CHAPA provides. The letter was signed by Brenda Clemente, Executive Director.

Also included in the Board's packets was a Citizen Training Program Brochure from The MVPC that was received in the Office of the Board of Appeals the 25<sup>th</sup> of March of 2015.

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The last correspondence included in the Board's packet was a letter dated March 24<sup>th</sup> 2015 from a Steve Gordon, a citizen of North Andover. Gordon was thanking the Board on their decision not to sign the MassHousing request for Berry Street.

McIntyre stated while we are waiting for Manzi and Byers to arrive we will take a 10-15 minute recess.

When Byers and Manzi arrived, Manzi called the meeting back to order at 7:55. Manzi stated that we have a full Board.

Manzi stated that we will move to the new Public Hearing. Byers opened up the public hearing by reading the Legal notice.

**New Public Hearing**

**A Special Permit in the R-4 Zoning District, 11 Dana Street (Map 15 lot 53), Frank, Heather and Graham Rowe.**

Atty. Brian Vaughn walked up to the podium and stated that he is representing the Rowe Family. They are requesting a Special Permit from 4.122.22 of the Zoning Bylaws to construct a new Family Suite in the R-4 Zoning District. Vaughn stated that Frank & Heather Rowe have owned this property for 26 years; they now own this property with their adult son, Graham.

Vaughn stated that the son will live in the main house and Frank and Heather will live in the proposed family suite.

Vaughn spoke of the proposed Family Suite and the existing house. The property is an older home with a number of pre-existing lawful nonconformities. The lot is undersized at 10,000 square feet where 12,500 square feet are required in that Zoning District.

Vaughn spoke of the setback nonconformities and how the existing home and garage are in need of updates and repairs. The existing detached garage will be partially razed and reconstructed, with a Family Suite to be attached to the garage and also be attached to the principal residence. Vaughn noted that while existing dimensional setback nonconformities will remain, no new nonconformities will be created, and no existing non conformities will be increased.

Vaughn spoke of the size of the proposed Family Suite and that it will consist of 612.5 square feet. Vaughn also noted that the proposed family suite satisfies the gross floor area thresholds in section 2.37.1 of the Zoning Bylaws. Vaughn also spoke of the direct kinship (son) that goes along with the Family Suite.

Vaughn continued, stating the effect of adding the proposed new unit to the rear of the existing home, attached to both the garage and existing dwelling, will simply give the appearance of a single family home with an attached garage rather than give the appearance of a multi-family home or structure.

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McIntyre asked of the proposed addition to the existing structure and the elevation, Vaughn responded that the proposed addition will be the same elevation (or height) as the existing home (it will be about 22 feet high).

Vaughn presented 4 letters of support from various abutters (all signed). One abutter was from 12 Dana Street (dated April 10, 2015), another lived on 26 Dana Street (dated April 7, 2015), another supporter lived at 17 Dana Street (dated April 10, 2015) and the other letter of support came from 20 Harold Street (letter not dated).

Manzi reviewed and questioned Vaughn on these letters of support for the Family Suite.

Byers and Cuscia informed Vaughn and the applicant of the rules and regulations of a Family Suite and how a Family suite runs only with the owner of the property and the Family Suites goes away once the property is sold to a new owner. Also that in the future this Family Suite is not to be used as a 2-family or advertised as one.

Vaughn and the applicant agreed and understood these rules.

Manzi asked if the Board had any questions or concerns, or if any abutters had any questions with regard to this Family Suite for or against.

No abutters got up to speak

Byers asked of the new addition and then asked Vaughn if the new addition will be any closer than what exists already (6.9). Vaughn responded back that the new addition will not be any closer.

Vaughn stated that right now Frank, Heather and their son, Graham all live in the main house until the proposed addition is complete.

Manzi asked who will live in the main house and who will live in the Family Suite. Vaughn responded that the son would live in the main house, along with his wife and children and the parents would live in the proposed Family Suite.

Cuscia made a motion to close the hearing

Koch second the motion

All were in favor to close the hearing; Manzi, McIntyre, Byers, Cuscia, and Koch

Koch made a motion to approve the Special Permit to allow and construct a single family suite at 11 Dana Street, for the Rowe Family (Frank, Heather and Graham Rowe) in the R-4 Zoning District from 4.122.22 of the Zoning by laws. Koch referenced all the plans, pages and maps that were in front of him, along with the associated dates and who prepared the plans.

Byers second the motion

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All in favor to Grant this Special Permit: Manzi, McIntyre, Byers, Koch, and Cuscia  
5-0 approved

Byers gave his MVPC report. Byers spoke of the MVPC Training Program brochure and also of the Annual Planning Day that is scheduled for some time in June. Byers informed the Board that if anyone was interested in knowing more of the Annual Planning Day to contact him. Byers spoke of speakers at past events for the Annual Planning Day, and who may possibly speak at this Planning Day event. The topic will be more regionalization of municipalities.

**Adjournment: 8:13**

Cuscia made a motion to adjourn the meeting.

Koch second the motion

All were in favor to adjourn the meeting: Manzi, McIntyre, Byers, Koch, and Cuscia,  
5-0 all in favor